

## REMARKS

With this Response, claims 1, 34, 36, and 64 are amended. No claims are added or canceled. Therefore, claims 1-91 are pending.

## CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1-6, 15-16, 21-36, 40-46, 55, 57-69, 78 and 80-85 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 5,680,398 of Robinson et al. (hereinafter "Robinson"). Applicants submit that these claims are not anticipated by the cited reference for at least the following reasons.

Of these claims, 1, 16, 34, 36, 41, 60, 63, and 64 are independent claims. The independent claims, while directed to the same inventive concept, do not recite identical language. The Office fails to distinguish the language of the different independent claims, and thus fails to explain how each of the features of each independent claim is asserted to be disclosed in the cited reference. Applicants submit that even showing all features of one independent claim would not necessarily show all features of all independent claims. Therefore, Applicants argue the rejection by discussing the claims as follows: independent claims 1 and 64 and their dependents; independent claims 16, 41, 60, and 63 and their dependents, and independent claims 34 and 36 and their dependents.

Regarding claims 1 and 64, Applicants note that each claim recites "receiving a random access request ... on a first **random** traffic channel...." To make more explicit what is already implicit in these claims, Applicants have amended the claims to further recite "the first random traffic channel **not designated as a random access channel....**"

Regarding claims 16, 41, 60, and 63, each of these claims recites features directed to a **request on an unallocated traffic channel.**

Regarding claims 34 and 36, these claims as amended herein recite features directed to a **request on any random one of a plurality of traffic channels**, where the request is for the traffic channel on which the request is received.

With regards to the cited reference, Applicants note that Robinson discloses a system in which the central system, in addition to the permanently fixed control channel, may temporarily designate one or more traffic channels to act as control channels for a frame. Significantly, the system **must designate each one as a control channel**, and broadcast that designation to the remote units. See, for example, col. 5, lines 4 to 11, and lines 26 to 37; col. 6, lines 44 to 56.

Thus, without the designation as control channels, the channels that are normally traffic channels cannot be accessed to make a request.

In contrast to what is disclosed in Robinson, Applicants refer back to claims 1 and 64, which recite features directed to a request on a first random traffic channel, and specifically one that is not designated as a random access channel. Col. 6, lines 53 to 56 states: "If a signal is received on a traffic channel that has been **designated** as a signalling (sic) channel," then the request received on it is processed differently than ones that have not been **designated as signaling channels**. Thus, Robinson's system requires all requests to be made on channels that have been designated for receiving requests, whether those channels are permanently designated or temporarily designated. Therefore, Robinson fails to disclose or suggest at least one feature of the invention as recited in Applicants' claims 1 and 64 and their respective dependent claims.

Additionally, in contrast to what is disclosed in Robinson, Applicants refer back to claims 16, 41, 60, and 63, which recite features directed to a request on an **unallocated traffic channel**. As stated above, Robinson requires requests to be made on channels designated for control signaling. If a channel is designated as a control channel, even if only temporarily, then the channel is necessarily allocated. Thus, a channel designated as a control channel cannot be an unallocated channel. To reiterate, the only reason a remote unit can access the channel to make a request is because the channel is allocated as a control channel. The remote unit in Robinson cannot make a request on any of the other traffic channels, because they are unallocated, and unavailable in Robinson's system. In contrast, Applicants' claims 16, 41, 60, and 63 recite a request on an unallocated traffic channel. Therefore, Robinson fails to disclose or suggest at least one feature of the invention as recited in Applicants' claims 16, 41, 60, and 63 and their respective dependent claims.

Additionally, in contrast to what is disclosed in Robinson, Applicants refer back to claims 34 and 36, which recite features directed to a **request on any random one of a plurality of traffic channels**. As discussed above, the requests in Robinson's system can only be made on selected ones of the traffic channels, and more particularly, the ones designated as control channels. Applicants reiterate that Robinson's system requires that channels be designated as control channels to receive requests. It appears that the only distinction between this and traditional systems is the ability to dynamically designate or allocate channels as control channels. However, whether statically or dynamically designated, requests for a traffic channel or access channel are received only on a channel that is **specifically dedicated** to receive such

requests. For purposes of comparison to the invention as recited in Applicants' claims, the fact that the channel are dedicated permanently or for a limited period of time (e.g., one frame) is not relevant. Applicants' claims recite features directed to a request on any random one of a plurality of traffic channels, not those specifically designated as control channels.

Furthermore, Applicants' claims 34 and 36 recite features directed to a request for the traffic channel on which the request is received. Robinson appears to suggest only that general requests for access can be made. Thus, a request for a particular channel cannot be made in Robinson. Therefore, it is not possible for Robinson to disclose or suggest a request for the channel on which the request is made. Applicants therefore submit that Robinson fails to disclose or suggest at least one feature of the invention as recited in Applicants' claims 34 and 36 and their respective dependent claims.

For at least the reasons discussed above, Applicants respectfully submit that Robinson fails to disclose or suggest at least one feature of each of the independent claims, and therefore fails to anticipate the invention recited in the independent claims. The dependent claims addressed here necessarily include all limitations of the independent claims from which they depend. Therefore, the reference fails to anticipate any of these claims, and Applicants respectfully request that the rejection of these claims be withdrawn.

#### **CLAIM REJECTIONS - 35 U.S.C. § 103**

Several of the dependent claims were rejection under 35 U.S.C. § 103 as unpatentable over Robinson in combination with one or more other references. More particularly, the rejections are grouped as follows:

Claims 7-8, 11, 18, 47-48, 51, 70-71 and 74 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson, in view of U.S. Patent Publication Number 2002/072348 to Wheeler et al. (hereinafter "Wheeler").

Claims 9-10, 39, 49-50, 56, 72-73 and 79 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson in view of Wheeler, in further view of U.S. Patent Publication Number 2002/0087740 to Castanho et al. ("hereinafter Castanho").

Claims 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson in view of Wheeler and further in view of U.S. Patent Publication No. 2003/1063393 of Mittal et al. (hereinafter "Mittal").

Claims 19, 52-54, and 74-77 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson in view of Mittal.

Claims 17 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson in view of U.S. Patent Number 5,680,398 to Miller et al. (hereinafter "Miller").

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson in view of U.S. Patent Publication Number 2002/0065081 to Barany et al. (hereinafter "Barany").

Claims 86-91 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson in view of U.S. Patent Publication No. 2003/0133426 of Schein et al. (hereinafter "Schein").

Each of the above rejections is based on the defective rejection under Robinson, as discussed above with respect to the anticipation rejection. Thus, each of the rejections of these claims is defective at least for the reasons noted above. As Applicants have understood the secondary references referred to here, none is cited as curing the deficiencies of Robinson. Applicants have previously addressed these references and pointed out that each appears to be similarly defective in failing to disclose or suggest requests on a traffic channel. Thus, each reference must necessarily be defective with respect to the features pointed out above, regarding traffic channels not designated as random access channels, unallocated channels, or any random one of a plurality of traffic channels.

Wheeler is directed to requesting and dispatching emergency services, and fails to disclose or suggest anything related to requests on a channel not dedicated to random access. Castanho is directed to web browsing, and is not applicable to requests in network access grants. Mittal is directed to network-based data storage, and is not applicable to requests in network access grants. Miller is directed to billing of wireless communication, and is not applicable to requests in network access grants. Barany is directed to selection of wireless protocols in access devices, and is not applicable to requests in network access grants. Schein is directed to assigning random access channels among different radios, and fails to disclose or suggest anything related to requests on a channel not dedicated to random access.

Therefore, Appellants submit that none of the secondary references cures the deficiencies of Robinson with respect to the independent claims from which these claims depend. The references fail to disclose, whether alone or in combination, at least one feature of the invention as recited in the independent claims from which these claims depend. Therefore, the cited

references fail to support rejection of these claims. Applicants therefore respectfully request that the rejection of these claims be withdrawn.

**CONCLUSION**

For at least the foregoing reasons, Applicants submit that the rejections are overcome, and respectfully requests that the rejections be withdrawn. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: October 9, 2008

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